

RESPONSE AND REMARKS

DRAWINGS

The Office Action required formal drawings.

In response to the Office Action requirement for formal drawings, a Drawing Transmittal Letter and sixty-four (64) sheets of Replacement Drawings are filed concurrently herewith. Replacement drawings for FIGS. 1a through 48 filed concurrently herewith are each labeled "Replacement Sheet" in the top margin in accordance with 37 CFR 1.121(d).

In the formal drawings filed concurrently herewith, original FIG. 8c is depicted in Replacement Sheet FIGS. 8c-1 and 8c-2. Minor amendments are filed herewith to the Specification to conform the Specification to reference the two FIGS. 8c-1 and 8c-2; no new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §112 SECOND PARAGRAPH

The Office Action rejected Claims 3, 12, 16, 17, 20, 133 and 134 under 35 U.S.C. §112, second paragraph as indefinite. Office Action, Topic Number 6, p. 3. In particular, the Office Action found the limitation "test the plurality of parameters that characterize the proposed exchange against a set of rules by which like-kind transactions meet safe-harbor provisions for tax-deferred treatment" as indefinite. Office Action, Topic Number 6, p. 3. The Office Action indicated that an amendment reciting "providing a set of rules ... wherein the set of rules define safe-harbor provisions for transactions of like-kind exchanges ..." would resolve the indefiniteness of the aforementioned "rules" limitation. Office Action, Topic Number 6, p. 3.

In response to the Office Action finding that the "test" limitation is indefinite, independent Claims 3, 133, and 134 have been amended in the spirit of the amendment proposed by the Office Action. In particular, independent Claims 3, 133 and 134 have been amended to recite: "B) provid[ing] a set of rules that define safe-harbor provisions for tax-deferred treatment of like-kind exchanges" Claims 3, 133 and 134 have been further amended to recite: "in response to receiving the input in A), substantially simultaneously test[ing] the plurality of parameters that characterize the proposed

exchange against the set of rules to determine whether the proposed exchange would meet safe-harbor provisions for tax-deferred treatment”

It is respectfully asserted that the above-described amendments to Claims 3, 133 and 134 resolve the Office Action finding of indefiniteness regarding the “test” limitation.

The Office Action found the limitation “automatically transact at least a portion of the proposed exchange” as indefinite and suggested definition of “transacting” would resolve the indefiniteness of the aforementioned “transacting” limitation. Office Action, Topic Number 6, p. 3. The Office Action indicated that specifically pointing out what the transacting entails would resolve the indefiniteness. Office Action, Topic Number 6, p. 3. The Office Action offered an example that the transaction must generate certain documentation. Office Action, Topic Number 6, p. 3.

In response to the Office Action finding that the “automatically transact” limitation is indefinite, it is respectfully submitted that amended Claim 3 specifically recites “... wherein automatically transacting at least a portion of the proposed exchange comprises automatically sending a notification of an assignment by the taxpayer of rights, wherein automatically sending the notification of the assignment by the taxpayer of rights comprises sending to a party to the exchange the notification of the assignment by the taxpayer of rights” It is respectfully submitted that the above-cited limitation by Claim 3 provides the type of specificity required by the Office Action and Section 112 concerning the “automatically transacting” limitation.

Other Claims further describe the automatically transacting process. For example, amended Claim 19 recites:

... wherein automatically transacting at least a portion of the proposed exchange further comprises: collecting a notification of wired funds from a bank for the relinquishment property receiver, for the benefit of the taxpayer; recording a deposit of the wired funds into a general account for the benefit of the taxpayer; and notifying an exchange intermediary administrator of the recorded deposit of the wired funds into the general account for the benefit of the taxpayer.

As another example, amended Claim 133 specifically recites “... wherein automatically transacting at least a portion of the proposed exchange comprises automatically sending to the at least one relinquishment property receiver, an electronic

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notification of an assignment by the taxpayer of rights to an intermediary of ownership of the relinquishment property" It is respectfully submitted that the above-cited limitation by Claim 133 provides the type of specificity required by the Office Action and Section 112 concerning the "automatically transacting" limitation.

As another example, amended Claim 134 specifically recites "... wherein automatically transacting at least a portion of the proposed exchange comprises receiving an indication of funds transferred by the at least one relinquishment property receiver according to a set of terms of a sale agreement with the taxpayer" It is respectfully submitted that the above-cited limitation by Claim 134 provides the type of specificity required by the Office Action and Section 112 concerning the "automatically transacting" limitation.

ALLOWABLE SUBJECT MATTER

The Office Action indicated that the pending claims are allowable over the prior art subject to amendments resolving the Section 112 rejections. The Office Action requested that non-elected Claims be cancelled to expedite allowance of the application.

The Examiner's suggestions for expediting allowance are gratefully acknowledged with appreciation and have been adopted as described further below.

Claims in the non-elected groups identified by earlier restriction requirements have been cancelled in accordance with the suggestion in the Office Action.

However, a number of Claims that are dependent on the allowable independent Claims had been withdrawn further to a previous species election requirement. Some of those Claims are herewith reinstated with amendments to conform them to the language of the amended independent Claims on which they depend. In view of the allowability of the amended independent Claims on which the reinstated dependent Claims depend, it is respectfully submitted that the reinstated dependent Claims are therefore also allowable.

New method Claims 135-174 are added herewith that correspond to some of the allowable amended Claims 3-44. Some of new Claims 135-174 recite, for example, input from, and notifications to, a user regarding an exchange. It is respectfully

submitted that a user who may represent, or act on behalf of, a taxpayer is supported by the specification. See, e.g., Specification, p. 44, line 4 ("username 616"); Specification, p. 53, lines 8-11 ("The System will allow a Company Coordinator/Administrator with Company Coordinator/Administrator rights to display a master list of all saved transactions (all Actors for the Company) and all pending transactions (all Actors for the Company). All Company Coordinator/Administrators must be set up and cleared through a System Administrator."); Specification, FIG. 15 ("... or you may work through an approved administrator of your company.") It is respectfully asserted that because the concurrently filed amendments to the Claims resolve the rejections under Section 112, the new method Claims 135-174 added herewith that correspond to some of the allowable Claims, are therefore also allowable.

In the event the Examiner disagrees that the amendments filed herewith resolve the pending Section 112 rejections, it is respectfully requested that the Examiner allow a telephone interview and contact the below-identified attorney of record by telephone.

CONCLUSION

In view of the foregoing amendments, and for the foregoing reasons, it is respectfully asserted that the invention disclosed and claimed in the present application, as amended, is not fairly taught by any of the references of record, taken either alone or in combination, that the claims are definite as required under Section 112, and that the application is in condition for allowance. Accordingly, reconsideration and allowance of the application as amended herewith is respectfully requested.

Respectfully submitted,

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By



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